



Portsmouth, Virginia Police Department Department Organization

Dissemination of Confidential Information		ADM	33
Effective:	06.04.12	3	pages
Supersedes:	07.01.07	CALEA: 82.2.1 (c)	

APPROVED: Edward G. Hargis, Chief of Police

PURPOSE: To ensure proper and lawful request, dissemination and disposal of confidential information and records by authorized Portsmouth Police Department personnel. (82.2.1 c)

POLICY: The nature of departmental business requires frequent access to confidential information. No employee shall divulge to any unauthorized persons, including family members, any confidential information obtained through the execution of departmental duties. Sensitive and/or confidential information regulated by this policy may be obtained from a variety of internal and external computerized resources including, but not limited to; the Virginia Department of Motor Vehicles (DMV), the FBI's National Crime Information Center (NCIC), the Virginia Criminal Information Network (VCIN), Virginia State Police Computerized Criminal Records Exchange (CCRE), PISTOL, CRIMES and LinX.

PROCEDURES: The Portsmouth Police Department will disseminate Criminal History Record Information (CHRI) and Virginia Department of Motor Vehicle (DMV) records in accordance with: Virginia State Code § 19.2-389 regarding dissemination of Criminal History Record Information, Virginia State Code § 46.2-208 regarding inspection and release of DMV records, all regulations relating to CHRI information as promulgated by the Computerized Criminal Records Exchange (CCRE) division of the Virginia State Police and all rules and regulations set forth by, and readily accessible in, the Virginia Criminal Information Network (VCIN) and National Criminal Information Center (NCIC) manuals pertaining to the authorized use and dissemination of CHRI and DMV records/information.

DEFINITIONS:

Criminal History Record Information (CHRI): Records and data collected by Criminal Justice Agencies or persons consisting of identifiable descriptions and notations of arrests, detentions, indictments, information or other formal charges, and any disposition arising therefrom.

Secondary Dissemination: Provision of criminal history information, in any format, to a person other than the initial requester.

DMV Records: Driver information including all personal data that relates to the driver, driver's license status or driver activity, vehicle information including all descriptive vehicle data and title, registration and vehicle activity data and any/all insurance data.

Other confidential information: Any other information not available to the general public, such as but not limited to: personal or corporate financial records; personal medical information/records (which may include diagnosis or prescription information); communication records (including mail, electronic mail, telephone call logs, internet browsing/search history, or any similar items); which is discovered in the course of an investigation.

PROCEDURES:

- I. **General:** Access and dissemination of CHRI and DMV information will be conducted as follows:
 - A. CHRI/DMV computerized information may not, under any circumstances, be photocopied. For fax dissemination procedures (permissible in emergent situations only) refer to Sec. III *Telephone Dissemination* below.
 - B. CHRI/DMV information is to be used for criminal justice purposes only.
 - C. The requesting officer will request **one copy** of the CHRI/DMV from the Police Records Unit (PRU) or from any other unit within our agency having CHRI/DMV capabilities.
 - D. Officers shall request CHRI/DMV information in their own names. Officers shall not request this information in the name of the Commonwealth's Attorney.
 - E. The requesting officer will complete a Criminal History Request form and submit it to the VCIN clerk prior to receiving the CHRI printout.
 - F. The officer will state the reason for the CHRI request using IBR offense codes. [REDACTED]
 - G. The officer may show the CHRI to the magistrate but **must not** allow the magistrate to retain a copy, as this would constitute an improper, un-logged secondary dissemination.
 - H. CHRI/DMV records must be shredded when the warrant has been obtained or it has served the purpose for which it was obtained. Officers shall not place CHRI/DMV records in their case files.
 - I. It is the requesting officer's responsibility to properly dispose of CHRI or DMV records when they are no longer needed.
- II. **Procedures for Terminal Operators**
 - A. A secondary dissemination logbook must be kept at the location of all terminals having CHRI capability. The logbook must be set up and maintained in accordance with standards and mandates set down in the VCIN User's Manual (located on the Police Intranet).
 - B. The attention field (ATN) in QH/QR transactions must contain the name of the person requesting the criminal record check (just a person's initials are not acceptable). Operators must include at least the first and middle initial and last name of the individual. The rank or title of the individual shall also be included, if applicable (for further detail see the VCIN User's Manual).
 - C. All VCIN/NCIC terminals must have the terminal ORI and the terminal address affixed to the monitor.
- III. **Telephone Dissemination:** Telephones and/or radio devices, whether digital or voice, will not be used routinely for the transmission of CHRI beyond that information necessary to effect an

immediate identification or to ensure adequate safety for officers and the general public. Telephone dissemination should only be made when the person disseminating the CHRI has properly identified the officer requesting the CHRI.

A. CHRI telephone dissemination is permissible to Portsmouth Police officers, by these means under the following circumstances only:

1. When an officer determines there is an immediate need for this information to further an investigation; or,
2. There is a situation affecting the safety of an officer or the general public.

B. Fax dissemination of CHRI should not be used.

C. The PRU Clerk on duty will require the phoning officer to provide the following information:

1. Full name (first middle and last)
2. Employee ID number
3. Current beat assignment (e.g.: 121B)
4. The type of offense being investigated

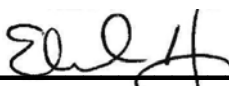
D. The PRU Clerk will then have the officer hold while checking to verify what type of call the officer is currently working. Verification can be made through CADS or via dispatch by phone.

E. Once the officer has provided all of the required information and that information has been verified through CADS or dispatch, the records clerk may provide criminal history information pertaining only to the offense in question. **Full criminal history information will not be provided via telephone except under exigent circumstances as cited above.** The officer may retrieve full criminal history information upon appearing in person at the Police Records Unit window.

IV. [REDACTED]

A. Dissemination of records from [REDACTED] are governed by the specific procedures and restrictions documented in the user and/or security agreements and training on those systems.

APPROVED: _____


Edward G. Hargis, Chief of Police